



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
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New York, New York 10007*

March 13, 2023

BY EMAIL EX PARTE AND REQUEST TO BE FILED UNDER SEAL

The Honorable Jesse M. Furman
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *United States v. Tracii Show Hutsona*, 21 Cr. 299 (JMF)

Dear Judge Furman:

The Government respectfully submits this letter *ex parte* to notify the Court of the defendant's apparent violations of conditions of her release after her recent sentencing and, based on those violations, request that the Court schedule a prompt hearing and at that hearing remand the defendant to begin serving her sentence. As detailed below and in the enclosed materials from the victim's counsel, since her sentencing on February 28, 2023, the defendant has publicly posted messages on the Internet that are intended to harass the victim and include financial account information of the victim and the victim's family members. For reasons discussed below, the Government respectfully requests that this letter remain *ex parte* until the defendant appears in person at a hearing to address the issues raised herein.

A. Background

As the Court is aware, between October 2015 and November 2019, the defendant engaged in a confidence scheme to embezzle over a million dollars from a victim (the "Victim"). The Victim hired the defendant to serve as a personal assistant at the Victim's home and trusted the defendant with access to the Victim's financial information. Just a few months after she was hired, and while the defendant was on supervised release in connection with a federal fraud conviction, the defendant began using that access to finance her own luxury lifestyle.

On July 26, 2022, the defendant pleaded guilty to Count One of the Indictment, which charged her with wire fraud, in violation of Title 18, United States Code, Section 1343. On February 28, 2023, the Court sentenced the defendant to a term of incarceration of 51 months and set a surrender date of April 13, 2023. At the conclusion of the sentencing hearing, the Court admonished the defendant:

the conditions of your release until now will continue to apply until you surrender for your sentence. You should understand that if you violate any of these conditions, it could have an immediate effect on your release, which is to say you

could be remanded immediately . . . So that means that you, for the next six weeks, better observe every I, T, every line of your release conditions and ensure that you don't commit any violations, small, large, medium.

Sent. Tr., enclosed as Exhibit A, at 46. The judgment of conviction of was filed on March 1, 2023. The defendant filed a notice of appeal on March 2, 2023.

B. New Information

As detailed in the letter and support materials from the Victim's counsel, enclosed as Exhibit B, since her sentencing less than two weeks ago, the defendant has repeatedly violated conditions of her release by posting publicly available messages on the Internet that are intended to harass the victim and include financial account information of the victim and the victim's family members. The messages include Instagram posts on March 4, 2023, which include a screenshot of text messages that list account numbers for two of the Victim's children's 529 accounts (*see* Ex. B at Ex. 1(a)), and on March 9, 2023, which include an image of a purported power of attorney document listing the bank account number for an account of the Victim (*see* Ex. B at Ex. 5).

C. Applicable Law

A defendant who has pleaded guilty to an offense and who is awaiting execution of sentence "shall . . . be detained" unless the Court "finds by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released." 18 U.S.C. § 3143(a)(1). Section 3143(b)(1) similarly authorizes bail pending appeal only when a judicial officer finds, among other things, "by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released."¹

A defendant who violates a condition of release "is subject to a revocation of release, an order of detention, and a prosecution for contempt of court." 18 U.S.C. § 3148(a).

¹ Even after a notice of appeal has been filed, the initial determination of whether to grant bail pending appeal generally is to be made by the District Court. Fed.R.App.P. 9(b), advisory committee note to 1967 adoption. "[G]iven the findings that must be made in order to warrant release, it is generally more appropriate that the motion be made initially in the district court. . . . When release is sought before the appeal has been briefed and argued, the district court, having greater familiarity with the record, is normally in a far better position than the court of appeals to make [the] determinations [called for by 18 U.S.C. § 3143(b)(1)] in the first instance." *United States v. Hochevar*, 214 F.3d 342, 344 (2d Cir. 2000). The burden of establishing that a defendant meets these criteria and is entitled to release falls on the defendant. *United States v. Randell*, 761 F.2d 122, 125 (2d Cir. 1985) ("We note that on this issue, as on all the criteria set out in subsection (b), the burden of persuasion rests on the defendant.") (citation omitted); *see United States v. Abuhamra*, 389 F.3d 309, 319 (2d Cir. 2004) ("the Bail Reform Act of 1984, creates no general expectation of post-verdict liberty. To the contrary, it establishes a presumption in favor of detention.") (citing 18 U.S.C. § 3143(a), other citation omitted).

D. Discussion

Based on the new information discussed in the letter from Victim's counsel, the defendant should be detained. Indeed, detention is warranted under both Section 3143, which addresses release pending execution of sentence and appeal, and Section 3148, which addresses violations of conditions of release generally.

Because the defendant has been convicted and sentenced, she must be detained unless she shows "by clear and convincing evidence" that she neither poses a flight risk nor poses a danger to the safety of any person or the community. She cannot satisfy that burden.

The defendant plainly presents a danger to the community, and specifically to the victim and her family. As is clear from the materials appended to the letter from Victim's counsel, since her sentencing, the defendant has repeatedly and publicly harassed the victim by posting messages, some of which contain personal financial information of the victim and the victim's family members. One of the messages prompted another person to write about the Victim: "She's a fame seeker!!!! Hope she's prepared for what's coming!" Given the defendant's lengthy history of disregard for the rule of law, her previous pre-sentencing violations of her conditions of release in this case, and the Court's recent admonition to abide by her conditions, she cannot show by clear and convincing evidence that any conditions of release would protect the Victim and her family from danger.

The defendant also presents a flight risk. While she voluntarily appeared for prior proceedings in this case, including sentencing, her post-sentencing conduct reflects contempt for the rule of law and for this Court's authority. She cannot be trusted to obey the legal requirement that she surrender to serve her sentence. At a minimum, the defendant cannot present clear and convincing evidence that she will not flee, as required to justify her continued release on conditions.

Detention is also required under Section 3148 for similar reasons. One condition of the defendant's bail is that she not possess any personally identifying information of others except immediate family members. Another prohibits her from contact, direct or indirect, with the Victim. Her recent postings constitute "clear and convincing evidence" that the defendant has repeatedly violated these conditions. *See* 18 U.S.C. § 3148(b)(1)(B). The defendant's history and conduct in this case make it exceedingly unlikely that she would "abide by any condition or combination of conditions of release." 18 U.S.C. § 3148(b)(2)(B). Therefore, she must be detained. *See* 18 U.S.C. § 3148(b).

Given the risks of danger and flight that the defendant poses, the Government respectfully requests that this letter remain sealed and *ex parte* to avoid giving the defendant an opportunity to further retaliate against the Victim and/or to flee. We propose that this letter not be disclosed to the defense until the defendant, who resides in Arizona, appears in Your Honor's courtroom in person. The Government would provide the letter to defense counsel at that time, and would later file the letter on the public docket.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

By:

/s/
Timothy V. Capozzi
Assistant United States Attorney
(212) 637-2404

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EXHIBIT A

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v.

21 Cr. 299 (JMF)

5 TRACII SHOW HUTSONA,

6 Defendant.

7 -----x

8 New York, N.Y.
9 February 28, 2023
2:15 p.m.

10 Before:

11 HON. JESSE M. FURMAN,

12 District Judge

13 APPEARANCES

14 DAMIAN WILLIAMS,

15 United States Attorney for the
Southern District of New York

16 BY: TIMOTHY CAPOZZI

Assistant United States Attorney

17 DEBORAH A. COLSON

18 Attorney for Defendant

19 QUINN EMANUEL URQUHART & SULLIVAN LLP

Attorneys for Joumana Kidd

20 BY: MICHAEL LINNEMAN

21 ALSO PRESENT: Detective Daniel Alessandrino

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(Case called)

MR. CAPOZZI: Good afternoon, your Honor. Timothy Capozzi for the United States. With me at counsel table is Detective Daniel Alessandrino.

THE COURT: Good afternoon.

MS. COLSON: Good afternoon, your Honor. Deborah Colson for Ms. Hutsona.

THE COURT: Good afternoon to the two of you.

Mr. Capozzi, do you know if counsel for the victim or the victim are here today?

MR. CAPOZZI: They are, your Honor.

THE COURT: Both?

MR. CAPOZZI: Both.

THE COURT: We're here for purposes of sentencing. In preparation for today's proceeding, I have reviewed the presentence report, dated October 17th, 2022. I've also received and reviewed the following additional submissions: the defendant's submission, dated February 13th, 2023, as well as the attachments to that submission, namely 15 letters addressed to me from the defendant, from her husband, her daughter, other members of her family, some friends, employees and the like, as well as the government's submission, dated February 21, 2023, as well as the attachments to that submission, namely a proposed forfeiture order and the sentencing transcript from defendant's 2009 sentencing. I've also received and hope

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1 counsel have, a letter from the U.S. Attorney's Office, dated
2 February 24th, 2023, which encloses or attaches letters from
3 three people, Ms. Heart, from Ms. Hutsona's ex-husband, and
4 from counsel to the victim in this matter, the last of which
5 include 20-some-odd exhibits, pictures, and videos from social
6 media. I also received a proposed restitution order.

7 First, have each of the parties received all of the
8 foregoing submissions, including with respect to any that are
9 in redacted form, in unredacted form.

10 Mr. Capozzi.

11 MR. CAPOZZI: Yes, your Honor.

12 THE COURT: Ms. Colson.

13 MS. COLSON: I have. Thank you.

14 THE COURT: Are there any additional submissions that
15 I should have received?

16 MR. CAPOZZI: No, your Honor.

17 MS. COLSON: None from us. Thank you.

18 THE COURT: The defense submission was filed with
19 certain minimal redactions, namely, if not entirely, the names
20 of minors and a few third parties. I have reviewed those. I
21 find that they are well justified and narrowly tailored, so I
22 will approve them and file the unredacted copy of the defense
23 submission under seal. It will be available to counsel in the
24 event of an appeal without further application to me.

25 My practice, in general view, is that the three, we'll

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1 call them victim letters, although really only one of them is
2 that, that they should be filed publicly, perhaps with the
3 names and other identifying information redacted. But
4 particularly with respect to the victim letter here, it makes a
5 variety of arguments, including objections to the sentencing
6 guidelines calculation, that we will discuss shortly, that I
7 think should be part of the public record.

8 Any objection from you, Mr. Capozzi, to those things
9 being filed, perhaps with redactions?

10 MR. CAPOZZI: No objection. I would propose that I
11 confer with counsel for the victim on the proposed redactions
12 that the government would make and then file on the public
13 docket.

14 THE COURT: Ms. Colson, any objection?

15 MS. COLSON: No objection, your Honor.

16 THE COURT: Why don't you do that, why don't you
17 confer with Ms. Colson as well as the writers of the letters,
18 including counsel, with respect to any proposed redactions.
19 Today is Tuesday, why don't you plan to file those with
20 redactions by Friday. I will compare them with the versions
21 that I have, which is to say I'll review the redactions. If I
22 find they are problematic, I will issue an order appropriately.
23 If they are okay with me, which is to say narrowly tailored to
24 any reasons that would justify sealing or redaction, I will
25 leave them be. Those unredacted letters will also be filed

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1 under seal and also available to counsel in the event of an
2 appeal without further application to me.

3 Ms. Colson, have you read the presentence report?

4 MS. COLSON: I have.

5 THE COURT: Have you reviewed it with Ms. Hutsona?

6 MS. COLSON: I have.

7 THE COURT: Now, I note you made two objections in
8 your written submission to paragraphs 29 and 30. Aside from
9 those, any objections or corrections to the report?

10 MS. COLSON: No. Thank you.

11 THE COURT: Ms. Hutsona, have you read the presentence
12 report?

13 THE DEFENDANT: I have, your Honor.

14 THE COURT: Did you review it with Ms. Colson?

15 THE DEFENDANT: Yes, I have.

16 THE COURT: And did you have enough time to do that,
17 to go over the report with her and to discuss anything that you
18 would wish to bring to my attention in connection with
19 sentencing?

20 THE DEFENDANT: Yes, I have, your Honor.

21 THE COURT: Mr. Capozzi, have you reviewed the
22 presentence report?

23 MR. CAPOZZI: Yes, your Honor.

24 THE COURT: Putting aside the guidelines, any
25 objections or corrections?

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1 MR. CAPOZZI: No, your Honor.

2 THE COURT: With respect to the defense objections to
3 paragraphs 29 and 30, I will overrule the objection to
4 paragraph 29. Given the exhibits to the victim's counsel's
5 letter that I have reviewed, I think there is a basis for that
6 statement and therefore will not strike that language from the
7 report.

8 As to paragraph 30, I certainly agree that that
9 statement is rank speculation and in that regard, I don't plan
10 to give it any weight or don't give it any weight except as to
11 treat it as a statement from the victim of her view that the
12 defendant is someone who preys on and is likely to prey on
13 vulnerable victims in the future. So construed, I don't see
14 any reason why that sentence needs to be deleted, but to the
15 extent that it is rank speculation, I won't put any weight on
16 it.

17 Now, given those rulings, given the absence of any
18 objections, I will adopt the factual recitations set forth in
19 the presentence report which will be made part of the record in
20 this matter and kept under seal. In the event of an appeal,
21 counsel on appeal may also have access to the sealed report
22 without further application to me.

23 Turning then to the guidelines, as counsel know, I'm
24 not bound by the guidelines, but I do have to consider the
25 guidelines before imposing sentence. In this case, there was a

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1 plea agreement in which the parties stipulated to a particular
2 calculation of the sentencing guidelines. Am I correct that
3 the presentence report's calculation is consistent with the
4 parties' calculation?

5 Mr. Capozzi.

6 MR. CAPOZZI: Yes, your Honor.

7 THE COURT: Ms. Colson.

8 MS. COLSON: Yes.

9 THE COURT: Having said that, as I noted a moment ago,
10 counsel for the victim has raised a handful of objections to
11 the guidelines calculation that I want to give you a chance to
12 address. So why don't we go through those in turn. I think
13 there are five, only some of which I think I need you to
14 address.

15 First, is that the loss enhancement should be 16
16 levels, not 14 levels because the loss exceeded \$1.5 million.
17 Mr. Capozzi, I certainly understand that you stand by the plea
18 agreement, but pursuant to the terms of the agreement, you're
19 allowed to respond to queries from the Court regarding
20 guidelines calculations. So I would ask for your views on that
21 issue first.

22 MR. CAPOZZI: Your Honor, as to the loss amount, which
23 also ties to the restitution amount, the exact figure of loss
24 here is difficult to measure with exact precision for several
25 reasons: the duration of the scheme, the number of financial

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1 accounts that the defendant used to pursue her fraud, the money
2 transfers across accounts as well as the challenge of
3 disentangling fraudulent uses versus potentially legitimate
4 uses. It was particularly challenging here where the defendant
5 was employed as a personal assistant for the victim during that
6 period of time.

7 We stand by our figure in the plea agreement, as
8 you've alluded to. That figure is based on the unauthorized
9 charges to the credit cards in this case, which we believe to
10 be readily proveable, as well as a reasonable estimate of the
11 loss that avoided potential double counting because, in this
12 instance, in some cases, funds were moved from an account to
13 pay off the credit cards. That's the basis for where we came
14 up with the figure and we continue to believe that it's an
15 appropriate and reasonable estimate for the Court to adopt in
16 fashioning its own view of the guidelines.

17 THE COURT: And I assume you looked at the chart in
18 counsel for the victim's letter, pages 5 and 6, totals in
19 excess of \$1.5 million in alleged losses. Is there anything on
20 that chart that you think qualifies as double counting or is
21 improperly included?

22 MR. CAPOZZI: Your Honor, I don't know that any of
23 that necessarily, I can say for certain, qualifies as double
24 counting. I would simply say that based on our understanding,
25 we are quite confident that the figure that we've put forward

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1 does not include any double counting and that's reason why
2 we've gone with what we have. Again, I'm not saying that they
3 are double counting. I just know that we believe ours is
4 readily proveable and reasonable in the calculation.

5 THE COURT: Ms. Colson, I don't know if you wish to be
6 heard on this. Let me perhaps preempt that by saying that I
7 will stick with the 14-level enhancement given the government's
8 position. I take that to mean that the government is not
9 prepared to prove up, if the matter were disputed, as I suspect
10 it might be, that proper loss figure exceeds \$1.5 million, and
11 for that reason, I think that the 14-level enhancement is
12 appropriate.

13 Given that, I assume you don't need to be heard on it?

14 MS. COLSON: I don't. Thank you.

15 THE COURT: The second matter is whether a two-level
16 enhancement pursuant to section 2B1.1(b)(10)(C) is appropriate
17 because "the offense otherwise involves sophisticated means and
18 the defendant intentionally engaged in or caused the conduct
19 constituting sophisticated means."

20 Mr. Capozzi.

21 MR. CAPOZZI: Your Honor, again, we stand by our
22 submission in the plea agreement. I think this guideline in
23 particular is one that reasonable minds can differ when it
24 would and would not apply. We've described the offense
25 conduct. We think that it was longstanding and creative in

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1 certain ways, but generally speaking, not particularly
2 complicated and thus have not applied the sophisticated means
3 enhancement.

4 THE COURT: Ms. Colson, do you wish to be heard on
5 that?

6 MS. COLSON: No, I agree with the government, your
7 Honor, that while this was longstanding conduct, there was
8 nothing about what Ms. Hutsona did that was particularly
9 sophisticated.

10 THE COURT: I think it's a close call, and as
11 Mr. Capozzi puts it, reasonable minds can certainly disagree,
12 but if the tie to the runner, the runner here being the
13 parties' agreement, in that sense, will not apply that
14 enhancement.

15 Now, third is a two-level enhancement pursuant to
16 subsection (11)(C)(i) because the offense involved, "the
17 unauthorized transfer or use of any means of identification
18 unlawfully to produce or obtain any other means of
19 identification." Now, this one seems like there might be a
20 stronger case for it to apply given the application notes,
21 which seem to squarely fit the facts of this case, but
22 Mr. Capozzi, your thoughts on that.

23 MR. CAPOZZI: Your Honor, I think at the time of the
24 plea agreement, which we stand by, we viewed this enhancement
25 as primarily concerned with the creation of identity documents

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1 and that differing from this case where the crime was primarily
2 focused on using fraudulent accounts to make fraudulent
3 charges, but I think of all of the issues raised by the
4 victim's letter, I think this is closer than the others, and I
5 concede that the application note --

6 THE COURT: I mean, the two examples seem fairly
7 dead-on to this case; am I wrong?

8 MR. CAPOZZI: We stand by the plea agreement, but I
9 agree that application note examples are quite similar in fact.

10 THE COURT: Ms. Colson.

11 MS. COLSON: Your Honor, I would just point out that
12 of course the plea agreement was carefully negotiated with the
13 government and I do agree that the gravamen of Ms. Hutsona's
14 offense here was the use of fraudulent accounts.

15 THE COURT: But am I wrong that she used the victim's
16 name to obtain credit cards that have the victim's name and/or
17 social security number that she then used?

18 MS. COLSON: No, you are not wrong about that.

19 THE COURT: So I think given that, and the comments,
20 the application notes, this enhancement squarely does apply,
21 notwithstanding the negotiated nature of the plea agreement,
22 I'm not bound by it, as Ms. Hutsona confirmed she understood at
23 the time of the plea agreement. So I will apply that two-level
24 enhancement.

25 Next is whether a two-level enhancement should be

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1 applied under subsection (17)(A) because Ms. Hutsona "derived
2 more than \$1 million in gross receipts from one or more
3 financial institutions as a result of the offense." Here, too,
4 given the facts, namely in excess of \$1 million was charged to
5 the credit card accounts, it seems like that would apply.

6 But, Mr. Capozzi, your thoughts.

7 MR. CAPOZZI: Your Honor, my understanding of that
8 enhancement is that it's primarily focused on conduct that
9 places a financial institution at risk, theft from a financial
10 institution, as opposed to here where it was theft from a
11 victim who clearly had accounts at financial institutions, but
12 the theft itself was not directed necessarily at the financial
13 institutions, it was directed at someone who had accounts at
14 financial institutions. So I think that's our understanding of
15 that enhancement and that's why we did not include it.

16 THE COURT: There's nothing in the language of the
17 enhancement that discusses a financial institution being placed
18 in jeopardy. I guess the question is, does it have to be the
19 bank or the financial institution's money as opposed the money
20 held by a bank or credit card company in the name of someone
21 else.

22 MR. CAPOZZI: Your Honor, the case that I looked at
23 was *United States v. Huggins*, 844 F.3d 118, 123-24
24 (2d Cir. 2016). That's where I saw language as to the primary
25 purpose of the enhancement, i.e., to penalize an individual for

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1 placing a financial institution at risk by borrowing or
2 stealing funds to support criminal activity.

3 THE COURT: I'll take a look as we discuss.

4 Ms. Colson.

5 MS. COLSON: I don't have anything to add to that,
6 your Honor.

7 THE COURT: Having read *Huggins*, I agree with the
8 government that the enhancement does not apply. Here as there,
9 financial institution acted as a little more than a conduit of
10 funds as opposed to being a victim of lost funds as a result of
11 the fraud. The Court notes that the circuit's precedence
12 focused on whether the financial institution suffers some type
13 of loss or liability in providing the requisite funds. Indeed,
14 no case in this circuit has applied this enhancement where a
15 financial institution did not suffer some type of loss or
16 liability. So given that, I will not apply that enhancement.

17 Any final objection raised by counsel for the victim
18 is that Ms. Hutsona should not receive a two-level reduction
19 for acceptance of responsibility pursuant to section 3E1.1.
20 Although, I certainly think her failure to pay restitution in
21 this case and the prior case is relevant under Section 3553. I
22 don't think it undercuts that she has fundamentally accepted
23 responsibility by pleading guilty in a timely manner. So I
24 disagree with that objection and will grant the reduction for
25 acceptance of responsibility.

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1 So, in light of the foregoing, in light of the
2 parties' agreement, the absence of any objections, and my
3 independent evaluation of the guidelines, I find, using the
4 November 2021 edition of the guidelines, that the offense level
5 is 20, the criminal history category is III, and the
6 corresponding guidelines range is 41 to 51 months'
7 imprisonment, with a fine range of \$15,000 to \$150,000, and a
8 supervised release range of 1 to 3 years.

9 In the plea agreement, both parties agreed not to seek
10 a departure from the stipulated sentencing guidelines range,
11 which is different from the range that I just calculated.

12 Having said that, does either party believe that a
13 downward departure within the meaning of the guidelines and as
14 distinct from what has become to be known as a variance is
15 appropriate here?

16 Mr. Capozzi.

17 MR. CAPOZZI: No, your Honor.

18 THE COURT: Ms. Colson.

19 MS. COLSON: No, your Honor.

20 THE COURT: I've nevertheless considered whether there
21 is any appropriate basis for a departure and find there are no
22 grounds to justify a departure.

23 With that, I will hear first from counsel. If the
24 victim or counsel for the victim wish to be heard, I will give
25 them an opportunity to be heard, as well, and then hear from

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1 the defendant if she wishes to make a statement before I
2 sentence her.

3 I'll start with the government. Mr. Capozzi.

4 MR. CAPOZZI: Thank you, your Honor. Your Honor has
5 received and reviewed our submission, so I will not go over all
6 of the points made in it.

7 Your Honor, obviously, this was a serious crime, it
8 was sustained, it was substantial in financial terms. The
9 victim has written about the emotional toll that she suffered
10 as a result of this conduct. Your Honor, what I think is
11 fairly extraordinary and remarkable is that this conduct
12 followed from not just the federal conviction in California
13 from 2008 or 2009, but the series of earlier convictions in
14 state court in California.

15 In this instant offense, the defendant began stealing
16 while she was on supervised release. So after serving a large
17 portion of a 75-month federal sentence, she's on supervised
18 release and she begins stealing and committing fraud again.
19 She is caught by the victim midway through and pleads with the
20 victim in terms of apologizing and so forth. Even though
21 caught at that point, she nevertheless continues to steal from
22 the victim. Then when the victim catches her yet again and
23 finally ends the relationship, she submits a fraudulent power
24 of attorney document, essentially an effort to cover her
25 tracks.

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1 So this defendant has shown an unwillingness or an
2 inability to stop her fraudulent ways, committing identity
3 theft, stealing from victim, after victim, after victim, and
4 seems unable to be deterred thus far. That counsels in favor
5 of a serious sentence here, counsels in favor for a need to
6 protect the public, counsels in favor of a need to hand down a
7 sentence that will send a message to this defendant as well as
8 to other defendants that that type of disregard for the rule of
9 law will not be countenanced.

10 Your Honor, the defendant's conduct since this case
11 suggests that there's a question about the degree of remorse
12 and the degree to which it's being taken seriously, which I
13 think is also a concerning factor here and one that the Court
14 should consider when fashioning an appropriate sentence.

15 THE COURT: Are you referring to the social media
16 materials that the victim's counsel submitted?

17 MR. CAPOZZI: Yes, your Honor, the social media
18 postings as well as just the fact of the travel to Puerto Rico
19 without permission prior from pretrial I think is concerning.

20 THE COURT: Do you have a view on whether, on the
21 basis of those social media postings, it could be said that
22 Ms. Hutsona not just wasn't taking things seriously, but was
23 not in compliance with the terms of her release. One video
24 seems to depict her smoking marijuana on a beach in Puerto
25 Rico, others seem to depict her in California not for purposes

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1 of work. Counsel certainly takes the position that those were
2 violations of the terms of her release.

3 MR. CAPOZZI: The Puerto Rico trip is clearly and was
4 a violation. The image appears to be someone smoking
5 marijuana, which would be a violation. The trips to
6 California --

7 THE COURT: Not someone, the defendant?

8 MR. CAPOZZI: The defendant. The defendant smoking
9 marijuana.

10 The images from the trips to California, whether or
11 not there was other activity that was undertaken during those
12 trips, I don't know, but I certainly would say that those
13 images do not depict someone at work in California at the time
14 of those images.

15 And so, I think when you add to that the fact of a
16 victim from a prior case being owed well over \$400,000, still
17 this victim suffering in excess of \$1 million in loss, it
18 suggests, again, a lack of remorse, a lack of taking it
19 seriously, and apparently someone who needs this Court to send
20 her a message.

21 THE COURT: Can you speak to restitution. I know you
22 alluded to it earlier, but counsel for the victim contends that
23 restitution should be in the nature of \$1.7 million, not the
24 amount that you have sought.

25 MR. CAPOZZI: Your Honor, the restitution amount that

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1 we have included in our plea agreement is tied to the loss
2 amount that we've calculated. We've been in continuing
3 dialogue with counsel for the victim. We don't understand the
4 victim to be seeking an evidentiary hearing, if the Court is
5 inclined to adopt the proposed restitution amount in the
6 proposed restitution order. At the same time, we understand it
7 would be standing by if put in front of the Court, but we
8 believe that the figure that we have proposed is, again, a
9 proveable, defensible calculation that is one that the Court
10 should have comfort in adopting in ordering this defendant to
11 pay.

12 THE COURT: Ms. Colson.

13 MS. COLSON: Thank you, your Honor. I want to point
14 out Ms. Hutsona's husband, who's in the audience here today.

15 THE COURT: Could I ask you to use the podium just to
16 make sure that I can hear you loud and clear.

17 MS. COLSON: Sure. Your Honor, I started off by
18 saying that Ms. Hutsona's husband is in the audience here
19 today.

20 Your Honor, it has been my great pleasure to represent
21 Ms. Hutsona for the past two years, and it is my pleasure to
22 stand with her today. I want to start by reiterating to the
23 Court that she accepts full responsibility for her offense.
24 She is deeply ashamed to be here. This is, as the Court knows,
25 not the first time she has appeared before a federal court for

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1 sentencing and it is absolutely humiliating for her to be in
2 this position again and with the press attention that this case
3 has drawn.

4 Importantly, given the seriousness of her crime, she
5 also recognizes the need for punishment and she knows that she
6 will be punished here today. That said, she is not the same
7 person she was four years ago when she committed this crime and
8 she does not present the same recidivism risk that she did at
9 the time of her prior case in 2009.

10 She has taken and harnessed the shame and the
11 humiliation that she experienced as a result of this case to
12 propel herself forward and she is now living a productive and a
13 law abiding life, and she is doing that because she has
14 something to be proud of now. She has a legitimate and a
15 thriving business she has built from the ground up and that she
16 can call her own.

17 And she is not running that business, your Honor, just
18 so she can live what the government calls a luxurious
19 lifestyle, she is using her business to lift other people up.
20 Between her two restaurants, she now employs more than 100
21 people, and many of whom who have criminal records or would not
22 be hired in more traditional work environments. She has taken
23 them in and she has given them work, a reason to feel pride and
24 dignity in what they do. Some of her employees have written to
25 the Court, and they universally describe her as hardworking, as

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1 competent, as thoughtful, and kind. The people closest to her,
2 the ones who know her best are not focused on her lifestyle,
3 they are focused on the blood, sweat, and tears she had has put
4 into making sure that they have a job.

5 She also uses her platform to serve her community.
6 She is engaged in multiple community service projects and, as
7 just one example, each year during the holidays, the
8 restaurants collect gifts for children of incarcerated parents
9 and then they hand-deliver those gifts to the children's homes.
10 This year alone, her restaurants sponsored 200 needy children.

11 I know that it is difficult for this Court to
12 reconcile the person that Ms. Hutsona is today with the person
13 she used to be, and it is clear from the extremely detailed
14 letter that Joumana Kidd's counsel submitted in this case that
15 Ms. Kidd remains angry and hurt, as is expected and as is her
16 right, but I am respectfully asking this Court to take a more
17 balanced view. Like all people, Ms. Hutsona is complicated.
18 She has made her share of mistakes, more than her share of
19 mistakes, but now there is no question that she is a force for
20 good in her community and her rehabilitation is an important
21 factor for this Court's consideration. Indeed, it is one of
22 the chief goals of our criminal process.

23 Before I move on, I do feel compelled to point out
24 that the letter that was submitted by Ms. Kidd's counsel
25 contains various allegations that are not supported by the

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1 discovery, were not the subject of plea negotiations with the
2 government, and are not in the presentence report. For
3 example, that Ms. Hutsona intercepted Ms. Kidd's mail or that
4 she used her health insurance or allegations about what she
5 does in her spare time. Because those are not part of the
6 case, I don't feel it necessary to address them directly,
7 unless the Court has questions.

8 I will point out that as part of her bond, Ms. Hutsona
9 was permitted to travel between California and Arizona for
10 work – that's because she has a restaurant in each location.
11 And there was no expectation, I don't think, that she was
12 supposed to spend 24 hours a day at the restaurants. So
13 certainly, at night when she is not at work, if she wants to
14 enjoy herself by going to a basketball game or attending a
15 party, I don't think that that was prohibited by her bond.

16 And also, to state I guess what is obvious, your
17 Honor, while Mr. Madison was once a prosecutor, he is not any
18 longer.

19 THE COURT: You said you would only address it if I
20 wished to hear about it. You addressed the Southern District
21 of California materials, but I would like you to just address
22 social media postings generally. Mr. Capozzi just argued, as I
23 think counsel to the victim did, that they suggest that
24 Ms. Hutsona hasn't exactly treated this case with the
25 seriousness that it perhaps deserves, that combined with the

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1 fact that she seems to be making a healthy living but yet
2 hasn't made any restitution either to the victim in this case
3 or, perhaps even more significantly, much to the victims in her
4 prior case. It seems to be of a piece. I mean, could you
5 address that. I think counsel of the victim suggests that she
6 lives in a \$1.7 million home. How do you square that with the
7 absence of any restitution or any effort to make the victims
8 whole?

9 MS. COLSON: Your Honor, first off, I just want to
10 reiterate, given I have a two-year relationship with
11 Ms. Hutsona, she is taking this case very seriously. She came
12 in and pled guilty and she is here to accept responsibility
13 today. There is no question in my mind that she feels
14 significant remorse and, indeed, shame for her conduct.

15 With respect to her home, I don't know what it is
16 valued at, but she does not own the home, she rents the home
17 and pays approximately \$5,000 in rent a month.

18 With respect to the social media postings, I would
19 just reiterate that I don't believe there was any expectation
20 on anybody's part that Ms. Hutsona was supposed to spend
21 24 hours a day at her restaurants. She was traveling between
22 Arizona and California so that she could spend time at each one
23 of those restaurants, but the social media postings reflect
24 what she is doing after hours on her own time, and I don't see
25 them as a violation of her bond or necessarily as an indication

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1 that she is not accepting responsibility in this case.

2 THE COURT: And the posting from Puerto Rico?

3 MS. COLSON: Your Honor, the posting from Puerto Rico,
4 I should say that based on conversations with pretrial and with
5 Ms. Hutsona, my understanding is that she did seek permission
6 to go on the trip and then left for Puerto Rico prematurely
7 before permission was granted. So in that sense, it was a
8 violation of her bond.

9 THE COURT: I'm aware of that, that was brought to my
10 attention at the time, but the recommendation of pretrial was
11 not to take any action in connection with the violation, but
12 the video submitted by counsel seems to depict Ms. Hutsona
13 smoking marijuana there.

14 MS. COLSON: I saw that video, your Honor. I can't --
15 whatever you think of her smoking marijuana, I don't see how
16 that is in any way an indication that she hasn't accepted
17 responsibility for this offense.

18 THE COURT: No one is saying it reflects on her
19 acceptance of responsibility, but it reflects on her compliance
20 with the terms of her release.

21 In any event, the other allegation made in counsel's
22 letter is that after I adjourned sentencing based on the
23 representation that she needed to be treated for symptoms of
24 long COVID, that she was engaging in behavior that was not
25 exactly consistent with that.

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1 MS. COLSON: Right. I saw that, as well, your Honor.
2 Because I spoke with her doctor and I collected materials from
3 her doctor, my understanding of that situation was that she
4 does indeed have long COVID. She was indeed receiving
5 treatment for long COVID at the time we requested that
6 adjournment. In fact, the doctor advised her not to travel on
7 a plane across the country to New York, but there was no
8 suggestion that she had to remain home in bed. Indeed, during
9 that time, she continued to go to work and to live her life.

10 THE COURT: All right. Carry on.

11 MS. COLSON: Thank you, your Honor.

12 I do want to talk also about the impact of a lengthy
13 sentence on Ms. Hutsona's restaurants and on her employees.
14 She has been described as the backbone of this business. She
15 is involved in all aspects of day-to-day operations, from
16 hiring staff, to communicating with vendors, to trainings, to
17 payrolls, to employee benefits, you name it. She serves, she
18 buses tables, she washes dishes when necessary. As the
19 government observes, her husband is involved. He handles
20 upkeep and maintenance, but he does not deal with the
21 day-to-day operations. They agreed from the very beginning to
22 divide their responsibilities and he acknowledged to me
23 yesterday that he simply doesn't know how to do the things that
24 she does, he has not been part of the day-to-day operations.
25 So the restaurants are at risk and her employees are at risk.

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1 If the restaurants close, more than 100 people will lose their
2 jobs.

3 Your Honor, in addition to the restaurants,
4 Ms. Hutsona has a 7-year-old stepson who she has helped to
5 raise. She is not his only parent, but she plays a critical
6 role in her stepson's life. And I think it goes without saying
7 that her sudden disappearance from his life could have serious
8 effects on him mentally and emotionally as he navigates his
9 pre-teen years.

10 Finally, your Honor, I would ask that you consider the
11 collateral consequences of conviction. Most notably, the
12 incessant press coverage of this case. There have been an
13 unusual number of articles, blogs, television profiles focused
14 on Ms. Hutsona since her arrest. The tabloid reporters call
15 and email her every single day, they follow her to and from her
16 restaurants, they bother her staff, there have been hundreds of
17 negative reviews on Yelp, all of which cite to this case.
18 Someone even created an Instagram account that uses her
19 restaurant logo to lure people in and then says negative things
20 about her. This is a relentless and seemingly orchestrated
21 effort to smear her and her business. It has had a serious
22 effect on her, both on her business and on her mental health.
23 The government says that none of this is relevant to
24 sentencing, but I strongly disagree.

25 The case the government cites, *U.S. v. Cutler*, is very

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1 different from this case. *Cutler*, the district court decided
2 to impose a probationary sentence. It found that the public
3 humiliation that Cutler experienced was punishment enough and
4 that it would achieve specific deterrence, but this case is
5 different.

6 First of all, that case involved a \$100-million fraud,
7 this case involves a \$1-million fraud. Second, we are not
8 arguing that the press attention on its own constitutes
9 sufficient punishment. We are citing it in combination with
10 multiple other factors and noting the effect it has had on
11 Ms. Hutsona's mental health. I finally just should note that
12 that case was decided in 2008 before the Second Circuit's 2009
13 decision in *Stewart*, which actually permits and encourages the
14 Court to consider collateral consequences. So we believe this
15 is an appropriate factor for consideration and we would ask
16 your Honor to consider it in combination with the other factors
17 we have cited.

18 Your Honor, I just want to end with this. Over the
19 past two years, Ms. Hutsona has shown that she can live a
20 productive and a law abiding life, and if you can find a way to
21 exercise some leniency for her, she is determined to continue
22 doing right by this Court. Now, more than ever, she has a lot
23 on the line. She wants to continue running her business, she
24 wants her business to survive, she wants to continue serving
25 her community, she wants to continue raising her son, and she

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1 knows that in order to do these things, she must stay on the
2 right side of the law and she is committed to doing that.

3 Thank you.

4 THE COURT: Thank you, Ms. Colson.

5 Just a brief housekeeping question. Restitution and
6 forfeiture, I take it you have no opposition to the proposed
7 orders from the government?

8 MS. COLSON: I have seen a restitution order from the
9 government, I don't believe I've seen a forfeiture order, but
10 the amounts of restitution and forfeiture were agreed upon in
11 the plea agreement.

12 THE COURT: I think the forfeiture order is attached
13 to the government's submission and may even have been signed by
14 you and Ms. Hutsona.

15 MS. COLSON: My apologies, your Honor. If it was
16 already signed, then we must have done that before the plea.

17 THE COURT: Looks like it was signed and dated in
18 July, so that seems to be correct. Thank you.

19 Ms. Hutsona, I'll hear from you if you wish to say
20 anything before I impose sentence. This is your opportunity to
21 do so. Just please move the microphone close to you and speak
22 slowly and loudly.

23 THE DEFENDANT: Your Honor, thank you for handling my
24 case. I've heard everything and seen everything that you have,
25 and I know it's hard to believe, but I know that my conduct was

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1 wrong and I -- I don't think I've ever regretted anything more
2 deeply. I'm ashamed to be here. And yes, the press attention
3 has been humiliating. Nothing, though, has been more
4 humiliating than having to tell my daughter and my husband
5 about my wrongdoing. I know I've hurt them and I've hurt so
6 many other people that don't deserve it.

7 And when I came out of prison in November of 2013, I
8 had these grand ideas of, like, how I was going to make up for
9 lost time with my kids and what I was going to do to avoid
10 recidivism, and I just kept hitting brick wall after brick
11 wall. I got a job and then my probation officer came in, and
12 so the owner of the company saw that, I lost my job. And I
13 used the skills that I kind of was learning there and I opened
14 my own company, Elite Lux Life. I had several clients at Elite
15 Lux Life that were mostly pleased with my work and I -- it
16 doesn't excuse anything that I've done, but I do want the Court
17 to know that I did my work consistent of more than just working
18 for Joumana. I feel like anything I say is going to be taken
19 like I'm a con artist and a liar, and it's not the case. She's
20 not standing up, so I can't apologize, but I am very sorry to
21 Ms. Kidd for violating her trust. I started to pay her back
22 and I'm looking forward to continuing that effort and I will
23 pay her back.

24 I mean, like I said, I know it's hard for anybody to
25 believe I'm a different person than I was four years ago. My

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1 staff, my family, nobody knows this monster that's on paper and
2 it's being presented to the world and I do, but my staff
3 doesn't know that person and they're dealing with this every
4 single day. All I can do -- I can't erase it. I know I can't
5 erase it. I can't take anything back. I can just continue to
6 move forward with honesty and integrity. I have no choice.
7 Everywhere I go, people -- I have a stigma on me now. So
8 everything I do has to be in honesty, it has to be.

9 I recognize that I need to be punished and I'm ready
10 to accept the consequences. I just -- I don't -- I don't know
11 what to say to try to have you understand that I'm really --
12 I'm really not that person anymore and I am very remorseful,
13 very remorseful, regardless of the people from my past that
14 have been dug up to say otherwise, they don't know who I am
15 today. This is going to be the last time I'm in front of
16 anybody for anything like this.

17 That's all.

18 THE COURT: Thank you, Ms. Hutsona.

19 Now, I will invite the victim or victim's counsel at
20 this time if you wish to be heard.

21 MR. LINNEMAN: Very briefly, your Honor.

22 THE COURT: If you could take the podium, please, and
23 identify yourself.

24 MR. LINNEMAN: Thank you, your Honor. Michael
25 Linneman of Quinn Emanuel Urquhart & Sullivan on behalf of

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1 Ms. Joumana Kidd, the victim in this action.

2 I want to address just a couple of very brief points.

3 Ms. Hutsona's counsel made an argument that someone
4 was orchestrating some sort of media effort. I think this
5 strong implication is that it's Ms. Kidd. I can tell you that
6 that is categorically false, it is simply not true.

7 And then there was also a statement that Ms. Hutsona
8 made that she had begun to pay Ms. Kidd back. I'm not aware of
9 any of these payments. She's not begun restitution. It was
10 not included in any of her sentencing submissions, and that's
11 typically something that counsel will argue going into
12 sentencing. So I guess that one was news to me.

13 THE COURT: Let me say on that score, there's a
14 footnote in the presentence report, which I know you would not
15 have been privy to, that states that defense counsel provided
16 invoices totaling \$21,000 and change, reflecting that
17 Ms. Hutsona paid a portion of the money referenced in the
18 personal plea agreement that had been entered, and that they
19 show monthly reimbursements in Ms. Hutsona's salary from
20 September 2018 to October 2019, and also supplied a video – I'm
21 not sure whether that would be in a series of text messages –
22 stating the cash payment of \$30,000 was made by March 18th,
23 2019. So I don't know if that's what Ms. Colson was referring
24 to, but just thought I would share that.

25 MR. LINNEMAN: Your Honor, that was my mistake. If

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1 that's what she was referring to, our understanding is that
2 those were actually offense proceeds and that she was merely
3 stealing more money from Ms. Kidd and then funneling it right
4 back to Ms. Kidd as part of, quote-unquote, payments in the
5 personal plea agreement. So I don't think that those duly
6 count as restitution.

7 Otherwise, unless your Honor has any specific
8 questions, we're happy to rest on our letter.

9 THE COURT: I guess the only question I have is the
10 restitution, and I certainly understand that you take the
11 position that it's higher than what the government is seeking.
12 I think under the law, if there is a dispute, it may well be
13 that you'd be entitled to a hearing on that. Mr. Capozzi
14 indicated he didn't think you wanted a hearing, but I wanted to
15 hear your thoughts on that.

16 MR. LINNEMAN: We would not seek a hearing.

17 THE COURT: Does your client wish to be heard or is
18 she merely being heard through you?

19 MR. LINNEMAN: I think she's just being heard through
20 me. Thank you, your Honor.

21 THE COURT: Thank you for being here and thank you for
22 your remarks.

23 Counsel, do either of you wish to respond or can we
24 proceed?

25 MR. CAPOZZI: Nothing further from the government,

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1 your Honor.

2 THE COURT: Ms. Colson.

3 MS. COLSON: No. Just to note that when Ms. Hutsona
4 referred to beginning to pay Ms. Kidd back, she was making
5 reference to the reductions from her salary and the other
6 receipts that she provided.

7 THE COURT: Counsel, is there any reason why sentence
8 cannot be imposed at this time?

9 MR. CAPOZZI: No, your Honor.

10 MS. COLSON: No, your Honor.

11 THE COURT: In imposing sentence, I am required to
12 consider the factors that are set forth in 18, United States
13 Code, Section 3553(a). They include:

14 First, the nature and circumstances of the offense and
15 the history and characteristics of the defendant;

16 Second, the need for the sentence imposed to advance
17 the purposes of sentencing, namely to reflect the seriousness
18 of the offense and promote respect for the law and to provide
19 just punishment for the offense, to afford adequate deterrence
20 to criminal conduct, to protect the public from further crimes
21 of the defendant, and to provide the defendant with needed
22 education or vocational training, medical care, or other
23 correctional treatment in the most effective manner;

24 Third, the kinds of sentences available;

25 Fourth, the guidelines range, which I have found to be

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1 41 to 51 months' imprisonment;

2 Fifth, any pertinent policy statement;

3 Sixth, the need to avoid unwarranted sentencing
4 disparities among similarly situated defendants; and

5 Seventh, the need to provide restitution to any
6 victims of the offense.

7 Ultimately, I am required to impose a sentence that is
8 sufficient but no greater than necessary to comply with the
9 purposes of sentencing that I mentioned a moment ago.

10 Now, I am persuaded that there is a need for a
11 substantial sentence here. Number one, the conduct, the
12 offense conduct itself is serious, even I would describe it as
13 despicable conduct. Ms. Hutsona preyed on a vulnerable victim,
14 a single mom that was undergoing cancer treatment no less.
15 That conduct occurred over a significant length of time. She
16 essentially took advantage of the cultivation of what appeared
17 to be a close relationship, even a friendship, notwithstanding
18 the employment relationship, and making matters worse, in an
19 effort perhaps to cover her tracks, raided apparently an
20 account belonging to the victim's 88-year-old aunt and the
21 victim's children's college funds. Making matters worse, that
22 conduct continued even after she had been caught in the act and
23 confessed to the act and entered what has been referred to as a
24 private plea agreement, and after being terminated, continued
25 to take steps to conceal her crimes by forging the victim's

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1 signature on the power of attorney form. Moreover, much like
2 in 2009, this was not done out of desperation, not that that
3 would excuse it, but rather to fund what either was or appeared
4 to be a lavish lifestyle to others and, in that sense, that
5 compounds the nature of the conduct.

6 On top of that, this is not Ms. Hutsona's first
7 criminal conviction. She has fraud convictions going back to
8 the 1990s. She has received not one, but two substantial
9 sentences, including a 75-month sentence in 2009, and yet those
10 sentences did not deter her from continuing the crimes that she
11 committed here. And again, making matters worse, that happened
12 even while she was on supervised release and, more to the
13 point, happened within months I think of her making a motion
14 for an early termination of supervised release in that case,
15 claiming that she had been a model supervisee and,
16 quote-unquote, fully complied with the terms of her supervised
17 release and had fully obeyed the law.

18 Now, the fact that this is a pattern, a pattern that
19 seems to go back at least to 2007, 2008, arguably back until
20 the '90s is certainly significant to the history and
21 characteristics of the defendant. Indeed, to read the
22 sentencing transcript from 2009, it is a feeling of déjà vu all
23 over again. Same arguments are made for Ms. Hutsona's mercy,
24 same statements are made by Ms. Hutsona about her future
25 conduct, and yet, here we are.

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1 All of that leads me to think that Ms. Hutsona is
2 indeed a serial fraudster, a serial con artist, as she put it,
3 and that the risks of recidivism are exceedingly high and a
4 substantial sentence is warranted both to protect the public
5 from further crimes of the defendant and to deter the defendant
6 from committing more crimes, if perhaps another sentence would
7 do that.

8 Now, to me, Ms. Hutsona's actions speak louder than
9 her words. I'll refer in that regard to the lifestyle that is
10 depicted in the social media posts that were submitted to me,
11 but the fact that she is living that lifestyle, that she is
12 paying \$5,000 in rent every month, that she has two seemingly
13 successful businesses – and I'll have more to say on that in a
14 moment – but has made no effort to repay the victim in this
15 case and little or no effort to repay the victims from her 2008
16 case, to me, speaks louder than perhaps anything.

17 Now, I certainly commend her acts of charity, I
18 commend her husband's acts of charity, but the fact they're
19 giving money to others without trying to make her victims whole
20 in the first place is concerning to me and reflects on her
21 acceptance of responsibility, even if it doesn't undermine the
22 case from the guidelines reduction.

23 Now, long story short, Ms. Hutsona certainly says the
24 right things here today, but she did in 2009, as well, and I'm
25 concerned it's more reflection of her savvy and

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1 understanding that that's what you say when you're being
2 sentenced by a judge for fraud. At this point, in her career,
3 at this point, given the record that she has amassed, I think
4 the benefit of the doubt has to go toward the risk of
5 recidivism, has to go toward protecting the public from further
6 crimes, and has to go toward deterrence. So that is where I
7 come out.

8 Let me say a brief word about the defense arguments
9 for mitigation. I certainly commend Ms. Colson on her
10 representation and her submission, both of which were
11 characteristically good. Having said that, I'm not persuaded
12 or particularly moved by the arguments that are made.

13 I will say, Ms. Hutsona, I commend you on your conduct
14 in running the two restaurants and starting that company and
15 contributing to those communities and the lives of your
16 employees, and the letters from your employees are especially
17 noteworthy in that regard, and I give you full credit for that.
18 Having said that, it should not go without saying that my
19 understanding is, and I haven't heard anything to the contrary,
20 that those businesses were funded with ill gotten gains with
21 some of the victims' money in this case. In other instances, I
22 could imagine the government seeking to forfeit the businesses,
23 and they've not done that here, but I certainly think it would
24 be somewhat perverse to rely on them as a basis for significant
25 mitigation.

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1 Now, I should also say that it gives me no pleasure to
2 impose a sentence that might jeopardize those businesses, let
3 alone the livelihoods of people who work there, but it is not
4 lost on me that your husband co-owns them and runs and has
5 significant responsibilities for them. On top of that, you and
6 he have had since last February, since your arrest in this case
7 and since last July when you pleaded guilty, to take steps to
8 make the necessary arrangements to ensure that they continue
9 without you.

10 Now, with respect to Ms. Hutsona's relationship to her
11 stepson. I certainly commend her on what seems to be a strong
12 relationship there, but I don't find that as compelling as, for
13 example, a child who might lose his or her only parent. Here,
14 there seems to be another parent, aside from Mr. Hutsona, who
15 will continue to be involved in that child's life, and in that
16 sense, I don't think it's quite the same.

17 Finally, with respect to the collateral consequences
18 from the media attention, I come down somewhere between the
19 defense and the government, which is to say I don't think it's
20 categorically irrelevant. I would think that media attention
21 and the like is relevant, for instance, to deterrence in some
22 instances, which is to say it can be a relevant consideration,
23 but I don't find it's a particularly significant factor to be
24 considered here. The fact of the matter is the media attention
25 that Ms. Hutsona has gotten has been a product of her conduct,

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1 not just in this case, but over the last 20 or 30 years, and in
2 that regard, has no one to blame but herself, and there is some
3 perversity to the argument that the more notorious the crime,
4 the less time the defendant should receive because it is more
5 likely to get attention from the media – that's not a very
6 compelling argument to me.

7 Having said all of that, I will state the sentence
8 that I intend to impose.

9 Ms. Hutsona, I would ask you to please rise.

10 Ms. Hutsona, it is the judgment of this Court that you
11 are remanded to the custody of the Bureau of Prisons for a
12 period of 51 months, that is four years and three months, to be
13 followed by a period of 3 years of supervised release.

14 During your term of supervised release, you will be
15 subject to the mandatory conditions that are set forth on
16 page 37 of the presentence report. In addition to those, you
17 shall satisfy your financial obligations, which I will discuss
18 shortly, including complying with any installment schedules
19 that I impose.

20 The standard conditions of supervised release, which
21 are set forth on pages 37 to 39 of the presentence report, and
22 will be in the judgment, shall also apply.

23 Finally, you must meet the following special
24 conditions at page 39 of the presentence report, as well as one
25 additional one, which is that you shall not have any contact,

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1 direct or indirect, with the victim in this case or members of
2 her family unless you receive her consent through her counsel
3 to do so.

4 In addition, I impose and order you to pay a fine in
5 the amount of \$10,000, which shall be due and payable within
6 30 days of your release from incarceration. I will order you
7 to pay restitution in the amount of \$1,148,759.28 in accordance
8 with the restitution order that the government has submitted
9 that I will sign and pursuant to the terms set forth in that
10 order, again, \$1,148,759.28. I will waive interest under
11 section 3664(f)(3) in light of your financial circumstances and
12 the size of that restitution order, and the fact that much of
13 your restitution is still to be paid in connection with your
14 2009 sentence. I am imposing the mandatory special assessment
15 of \$100, which shall be due and payable immediately. And I
16 will sign the forfeiture order that the government submitted on
17 consent pursuant to which you are ordered to forfeit to the
18 United States, I think the same amount of restitution,
19 \$1,148,759.28, which represents the proceeds that you obtained
20 directly or indirectly as a result of your criminal activity.

21 Does either counsel know of any legal reason why this
22 sentence should not be imposed as stated?

23 MR. CAPOZZI: No, your Honor.

24 MS. COLSON: No, your Honor.

25 I do want to clarify one thing for the record, because

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1 I think there was some suggestion by the Court that Ms. Hutsona
2 had funded her business with money stolen from Ms. Kidd.
3 That's not exactly what the government's letter said. What the
4 government's letter said is that she was using at least one of
5 the accounts to pay expenses for the business. There was no
6 suggestion that the initial capital investment was made with
7 money from the fraud accounts. When I did speak to Mr. Capozzi
8 about that statement, because there was no cite to back it up,
9 he referred me to an affidavit that was filed in a case in
10 Florida in which some receipts for the business had been -- to
11 which some receipts for the business had been appended, and he
12 specifically referred me to one marketing expense for the
13 business that I believe was somewhere between \$500 and \$600.
14 So the statement that she was using the fraud accounts to pay
15 expenses for that business I believe comes down to one expense
16 in the amount of \$500 or \$600. I don't know that that would
17 make any difference in your Honor's sentence, but I just did
18 want to point that out and clarify for the record that there
19 was no suggestion, again, that any initial capital investment
20 or any significant expenses had been made with the fraud
21 accounts.

22 THE COURT: I appreciate that. It doesn't make a
23 difference to my sentence, but having said that and for the
24 sake of the record, not only is there that reference, but on
25 page 4 of counsel to the victim's letter, it states that

N2Schuts

1 Ms. Hutsona's restaurant was "started with the victim's credit
2 card." I don't know if counsel wishes to be heard on that or
3 if you have a response to that, but there was certainly no
4 dispute or no response to it, which is part of what I was
5 referring to.

6 MS. COLSON: Your Honor, I believe that that also
7 doesn't have a cite to it. As I said, there were multiple
8 allegations made in that letter that were not the subject of
9 discovery or any discussions with the government.

10 THE COURT: In any event, I appreciate your making the
11 record clearer, perhaps, but it doesn't make a difference to my
12 sentence, among other things, the financial circumstances that
13 led her to steal over \$1 million from the victim in this case,
14 and I find it hard to believe that some of that money didn't go
15 toward forming the business that she started at or about the
16 same time. So it stands to reason that it sounds like at least
17 some of the expenses are traceable to it, but at the end of the
18 day, it doesn't make a huge difference to my valuation of the
19 sentencing factors.

20 The sentence as stated is imposed. I find that
21 sentence is sufficient but no greater than necessary to satisfy
22 the sentencing purposes set forth at Section 3553(a)(2),
23 including the need and especially the need to promote respect
24 for the law, to provide just punishment for the offense, to
25 afford adequate deterrence and, perhaps most importantly, to

N2Schuts

1 protect the public from further crimes of the defendant.

2 Ms. Hutsona, I want to believe you, I want and hope
3 that when you sit before me, not so dissimilarly to your
4 sitting before a judge in California in 2009 and you tell me
5 that this was the last time you're going to be found in a court
6 that for the sake of your kids, for the sake of your family,
7 you want to put this all behind you and devote yourself to law
8 abiding conduct, I want to believe you, but the record doesn't
9 give me a whole lot of hope.

10 Now, I certainly hope that the rewards that you have
11 gotten from running your businesses the last couple of years,
12 the ways in which you've contributed to your communities, the
13 way in which you've contributed to the lives of your employees,
14 that when you get out and you serve your time, and I do think
15 the time you will serve is appropriate for your crimes, that
16 that will loom larger and that you will be able to go back to
17 that conduct and not end up in front of me or in front of
18 another judge.

19 I assure you if you violate the terms of your
20 supervised release as you did with respect to the supervised
21 release imposed in 2009 and you end up back in front of me for
22 it, I'm not going to look kindly on it, given your record here,
23 given what I've had to say already, I will not look kindly on
24 it and you can rest assure that you may well go back to prison
25 and serve additional time. I don't mean just significant

N2Schuts

1 things like fraud, I mean other things, as well. The conduct
2 displayed in those social media posts certainly suggests to me
3 that you have not taken as seriously as you should the
4 conditions of your release. You appear to have gone to
5 Los Vegas without permission to go to Las Vegas, you appear to
6 have smoked marijuana in Puerto Rico without permission to go
7 there, let alone commit a felony there. Long story short, you
8 better comply with the terms of your supervised release. If
9 you end up back in front of me, notwithstanding the comments
10 you've made to me today, you can rest assure I'm not going to
11 look kindly on that.

12 Now, with that, Ms. Colson, do you have any requests
13 for recommendation to designation?

14 MS. COLSON: Yes, your Honor. There is a facility in
15 Phoenix. I just want to check with Ms. Hutsona to make sure I
16 have the name correct. It's the federal prison camp for women
17 in Phoenix. Should your Honor make that recommendation, that
18 would obviously allow her to serve her sentence close to home.

19 THE COURT: I will certainly recommend that she be
20 designated to a facility as close to the Phoenix area as
21 possible to facilitate the maintenance of ties to her family
22 and, if appropriate, the federal prison camp in and around
23 Phoenix. Ultimately, as you know, that's up to the Bureau of
24 Prisons.

25 MS. COLSON: Your Honor, I would also ask that you

N2Schuts

1 recommend Ms. Hutsona for the RDAP program based on her
2 representations to probation during her presentence interview
3 that she was drinking more than she thought was appropriate and
4 also using marijuana.

5 THE COURT: I will make that recommendation, as well.
6 And urge you, Ms. Hutsona, to make the best of your time while
7 in custody not only to get whatever drug treatment may be
8 available, but to participate in any other programs as I gather
9 you did in your last stint that might better the lives of other
10 people, but not to mention your own.

11 Mr. Capozzi, I assume the government moves to dismiss
12 all open counts at this time?

13 MR. CAPOZZI: Yes, your Honor.

14 THE COURT: Motion is granted.

15 Ms. Hutsona, to the extent that you do not give up
16 your right to appeal through your guilty plea and the agreement
17 that you entered into in connection with your plea, you do have
18 the right to appeal. Any notice of appeal must be filed within
19 14 days of entry of the judgment. If you cannot afford to pay
20 the costs of appeal, you may apply for leave to appeal *in forma*
21 *pauperis*.

22 Mr. Capozzi, what's the government's position on
23 voluntary surrender versus remand? Certainly has some
24 instances of failure to appear in the past, but are in the
25 past, and has appeared for all proceedings here. So what's

N2Schuts

1 your position?

2 MR. CAPOZZI: Your Honor, the government is not
3 seeking remand today. Your Honor, we do think it's appropriate
4 that the Court make clear to the defendant that the analysis
5 will change at any point if, before her surrender date, there
6 is evidence of any misconduct.

7 THE COURT: I will allow Ms. Hutsona to voluntarily
8 surrender.

9 Ms. Colson, any views on a date or should I just
10 exercise my discretion to set one?

11 MS. COLSON: Six weeks, your Honor, if that's
12 possible.

13 THE COURT: I think that's standard. I will give
14 Ms. Hutsona until April 13th to surrender to the institution
15 designated by the Bureau of Prisons. She is to surrender by
16 2:00 p.m. on that date to that facility or as notified by
17 probation or pretrial. I would assume that the designation
18 would occur well before then and if, for some reason, it has
19 not, counsel should seek an appropriate extension and,
20 Mr. Capozzi, you should look into the matter.

21 Ms. Hutsona, let me stress two things to you. First,
22 if you do not surrender as directed, you will be in a world of
23 trouble, and I could assure you that you will receive
24 additional punishment and would be subject to prosecution for
25 crimes separate and apart from those that you've been punished

N2Schuts

1 for today.

2 Do you understand that?

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: Second, the conditions of your release
5 until now will continue to apply until you surrender for your
6 sentence. You should understand that if you violate any of
7 those conditions, it could have an immediate effect on your
8 release, which is to say you could be remanded immediately, not
9 to the facility to which you're designated, but to the MDC for
10 transfer by the Bureau of Prisons to whatever facility you're
11 designated to. I assure you that you don't want that to
12 happen. So that means that you, for the next six weeks, better
13 observe every I, T, every line of your release conditions and
14 ensure that you don't commit any violations, small, large,
15 medium.

16 Do you understand that?

17 THE DEFENDANT: Yes, your Honor.

18 MS. COLSON: Ms. Hutsona is making sure she's still
19 permitted to travel between both restaurants. She has one in
20 San Diego and one in Arizona.

21 THE COURT: My understanding is the terms of the
22 release is you are permitted to travel in the Southern District
23 of California for purposes of work. So that condition remains
24 in effect.

25 Anything else, Mr. Capozzi?

N2SChutS

1 MR. CAPOZZI: No, your Honor.

2 THE COURT: Ms. Colson?

3 MS. COLSON: No. Thank you.

4 THE COURT: We are adjourned. Thank you very much.

5 * * *

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EXHIBIT B

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March 10, 2023

VIA EMAIL

Timothy V. Capozzi, Esq.
Assistant United States Attorney
Southern District of New York
One Saint Andrew's Plaza
New York, NY 10007

Re: United States v. Tracii Show Hutsona, 21-cr-299-JMF (S.D.N.Y. 2021)

Dear AUSA Capozzi:

As you know, at her sentencing in the above-referenced case last week, Judge Furman admonished Ms. Hutsona for her “despicable conduct,” expressed his concern that she will not be deterred from this her most recent conviction, and emphasized that until she self-surrenders on April 13, Ms. Hutsona must not “commit any violations, small, large, medium.” Regrettably, within a few days, Ms. Hutsona appears to have reverted to victim-blaming and posting personal identifying information of Ms. Kidd and her family, in violation of her terms of release.¹ Ms. Hutsona and her husband, Derrell Hutsona, have taken to social media to, *inter alia*, harass Ms. Kidd and publicly post personal identifying information. These actions violate her conditions of release in that they contain Ms. Kidd's and her family's personally identifying information and are unauthorized contact with Ms. Kidd. The purpose of this letter is to bring Ms. Hutsona's latest conduct to the attention of the U.S. Attorney's Office and the Court.

¹ Because the Court gave Ms. Hutsona until April 13 to report, the terms and condition of her pre-trial release remain in full force and effect until she reports.

quinn emanuel urquhart & sullivan, llp

ATLANTA | AUSTIN | BERLIN | BOSTON | BRUSSELS | CHICAGO | DALLAS | DOHA | HAMBURG | HONG KONG | HOUSTON | LONDON |
LOS ANGELES | MANNHEIM | MIAMI | MUNICH | NEUILLY-LA DEFENSE | NEW YORK | PARIS | PERTH | RIYADH | SALT LAKE CITY |
SAN FRANCISCO | SEATTLE | SHANGHAI | SILICON VALLEY | STUTTGART | SYDNEY | TOKYO | WASHINGTON, DC | ZURICH

On March 4, 2023, Ms. Hutsona posted several images on her Instagram account. Exs. 1(a)–(b).² In the caption, Ms. Hutsona states, in part, “Break it down: Enormous child support payments will stop at 18 y/o unless your kids are in college. So, let’s move some college funds around to make it look there’s some education happening.” Ex. 1(a). In one image, Ms. Hutsona posted a screenshot of transactions from Ms. Kidd’s niece’s 529 college funds.³ Ex. 1(b). In another image, Ms. Hutsona posts a conversation with Ms. Kidd dating back to October 2018. Ex. 1(a). **This conversation contains the login and password information to accounts (which Ms. Hutsona failed to completely redact) and the account numbers for two of Ms. Kidd’s children’s 529 college funds.** *Id.* In her comment accompanying the post, Ms. Hutsona states, “I’m not claiming to be completely innocent, but I pled guilty to avoid a circus, and got one anyway.”⁴ Ex. 1(c).

On or about March 4, 2023, Derrell Hutsona re-posted Ms. Hutsona’s post onto his Facebook page. Ex. 2. In the post, Mr. Hutsona falsely claims that Ms. Hutsona’s conduct had “[n]othing to do with our restaurants!!”—squarely refuting one of the Court’s findings. *Id.*; *cf.* Feb. 28, 2023 Sentencing Tr., at 36:18–21 (“Having said that, it should not go without saying that my understanding is, and I haven’t heard anything to the contrary, that those businesses were funded with ill-gotten gains with some of the victims’ money in this case.”); at 41:10–91 (“THE COURT: In any event, I appreciate your making the record clearer, perhaps, but it doesn’t make a difference to my sentence, among other things, the financial circumstances that led her to steal over \$1 million from the victim in this case, and I find it hard to believe that some of that money didn’t go toward forming the business that she started at or about the same time. So it stands to reason that it sounds like at least some of the expenses are traceable to it, but at the end of the day, it doesn’t make a huge difference to my valuation of the sentencing factors.”).

On March 6, 2023, Ms. Hutsona posted a text-message conversation between herself and Ms. Kidd. Ex. 3.⁵ Included in this post is a portion of a picture of a check from Ms. Kidd. Ms. Hutsona barely redacted the account number and some numbers are visible. *Id.* On March 7, 2023, Ms. Hutsona posted a screenshot of a news article relating to Ms. Kidd’s divorce. Ex. 4.⁶ One

² As of the writing of this letter, the post is publicly available at https://www.instagram.com/p/CpX_iJopUUe/. For your convenience, we enclose copies of the offending posts.

³ It appears that Ms. Hutsona may have edited the conversation to make it appear as though Ms. Hutsona and Ms. Kidd were discussing Ms. Kidd’s children’s 529 college accounts when they were in fact discussing Ms. Kidd’s *niece’s* 529 college accounts.

⁴ This statement appears to be directly at odds with Ms. Hutsona’s sworn statements during her allocution and sentencing.

⁵ As of the writing of this letter, the post is publicly available at https://www.instagram.com/p/Cpa_XekyU8M/.

⁶ As of the writing of this letter, the post is publicly available at <https://www.instagram.com/p/Cpd3OuSP00B/>.

individual commented ominously, “She’s a fame seeker!!!! Hope she’s prepared for what’s coming!” *Id.*

On March 9, 2023, Ms. Hutsona posted again on Instagram. Ex. 5. Here, she attempts to disclaim that she forged a power of attorney. *Id.* While Ms. Hutsona blurs Ms. Kidd’s address, she failed to redact Ms. Kidd’s account number. *Id.*

These posts are clearly intended to harass the victims of Ms. Hutsona’s crimes, Ms. Kidd and her family. Ms. Hutsona repeatedly stole from Ms. Kidd for years and now continues to revictimize her. Ms. Hutsona is now attempting to blame Ms. Kidd for her own conduct for which she pled guilty. Some of Ms. Hutsona’s followers are taking Ms. Hutsona’s bait. One threatened Ms. Kidd by stating that she “[h]ope[s] [Ms. Kidd]’s prepared for what’s coming!” These actions are further compounded by the fact that Ms. Hutsona has posted personally identifying information about Ms. Kidd and her family. Ms. Hutsona posted the account numbers for Ms. Kidd’s niece’s accounts. Ex. 1(a). These are public posts, now exposing these accounts to identity theft. Further, Ms. Hutsona failed to redact the full password for these accounts, further compromising them. *Id.* Ms. Hutsona posted a series of transactions that occurred within these accounts. Ex. 1(b). Ms. Hutsona also posted a check from Ms. Kidd without fully redacting the account number. Ex. 3. Finally, Ms. Hutsona posted an image of the power attorney she forged without redacting Ms. Kidd’s bank account number. Ex. 5.

These action appear to clearly violate Ms. Hutsona’s conditions of release. Ms. Hutsona is “not to possess **any** personal identifying information of others except immediate family members.” *United States v. Tracii Show Hutsona*, Dkt. 17, at 5 (emphasis added). Not only has Ms. Hutsona improperly retained Ms. Kidd’s and her family’s personal identifying information, she is now posting it publicly. Additionally, Ms. Hutsona is “to have no contact, direct **or indirect**, with ‘Victim 1’ described in complaint without prior approval of PTS.” *Id.* These posts are clearly designed to reach Ms. Kidd, Victim 1. After Ms. Hutsona’s social media activity was reviewed and discussed during her sentencing, Ms. Hutsona is clearly aware that her public social media postings are improper. Clearly, as the Court observed, the only way to stop Ms. Hutsona from her improper conduct is to place her in custody. *See* Feb. 28, 2023 Sentencing Tr., at 46:12–15 (“So that means that you, for the next six weeks, better observe every I, T, every line of your release conditions and ensure that you don’t commit any violations, small, large, medium.”). We respectfully request that you docket an *ex parte* application and/or a motion on shortened time to revoke Ms. Hutsona’s bond and remand her forthwith.

Thank you for your consideration of this request, and if any further information is needed, please advise.

Respectfully submitted,



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Attorneys for Joumana Kidd

SGM:wp
enclosures

Ex. 1(a) to Ex. B

officiallythutt · Follow

officiallythutt Now that the sentence has been imposed, it's important to show some facts that have been omitted from this circus.... I am absolutely remorseful for my part in this, but the embellishments and outright lies have become a sideshow at my and my family's expense. Let's get started.... Does this look like the victim doesn't know what's happening? Break it down: Enormous child support payments will stop at 18 y/o unless your kids are in college. So, let's move some college funds around to make it look like there's some education happening.

4d

sierrantoinette ❤️❤️❤️
3d 1 like Reply

75hellcat Good 4 you, the truth must be uncovered.
3d 2 likes Reply ...

jennyvaishali BOOM!!!! 🤖 CAN I SHARE THIS!!!!
3d 1 like Reply

mam_ama_hase_salfmade I was waiting for all this to

296 likes
4 DAYS AGO

Add a comment... Post

Ex. 1(b) to Ex. B

Transactions- 9 mo Done

Transactions View 12 Month Download Transactions

Processed	Traded	Type	Units	Price	Value
04/26/2018	04/26/2018				
03/26/2018	03/26/2018				
02/26/2018	02/26/2018				
01/26/2018	01/26/2018				
12/26/2017	12/26/2017				
11/29/2017	11/29/2017				
11/29/2017	11/24/2017				



officiallythutt · Follow



officiallythutt Now that the sentence has been imposed, it's important to show some facts that have been omitted from this circus.... I am absolutely remorseful for my part in this, but the embellishments and outright lies have become a sideshow at my and my family's expense. Let's get started.... Does this look like the victim doesn't know what's happening? Break it down: Enormous child support payments will stop at 18 y/o unless your kids are in college. So, let's move some college funds around to make it look like there's some education happening.

4d



sierrantoinette ❤️❤️❤️

3d 1 like Reply



75hellcat Good 4 you, the truth must be uncovered.

3d 2 likes Reply



jennyvaishali BOOM!!! 🤖 CAN I SHARE THIS!!!!

3d 1 like Reply



mom_ama_base_salfmade I was waiting for all this to



296 likes

4 DAYS AGO



Add a comment...

Post

Ex. 1(c) to Ex. B

JK
Joumana >

(Tracii shows Joumana 529 college fund's transactions directed by Joumana)

Transactions- 9 mo...

transactional

What's going to happen when he's really in college needs money? 🤔🤔

(Joumana)

Lol

He's paid out to 2 colleges already

But regular are his monthly allowance and was rent last year

And tutoring which stopped

officiallythutt • Follow

mom_gma_boss_selfmade I was waiting for all this to come out because of judicial system, so fucked up and I know all the truth will come out about her and her money hungry ass. As well as her actions. 🙏🙏
4d 3 likes Reply

— Hide replies

officiallythutt @mom_gma_boss_selfmade thank you. It's been so difficult because I'm not claiming to be completely innocent, but I pled to avoid a circus, and got one anyway. The stalking, the lies, the added bs needs to be heard and seen.
4d 3 likes Reply

75hellcat Good 4 you, the truth must be uncovered.
4d 2 likes Reply

officiallythutt @bhowie33 you thought right
2d Reply

296 likes
4 DAYS AGO

Add a comment... Post

Ex. 2 to Ex. B

4:45

5G

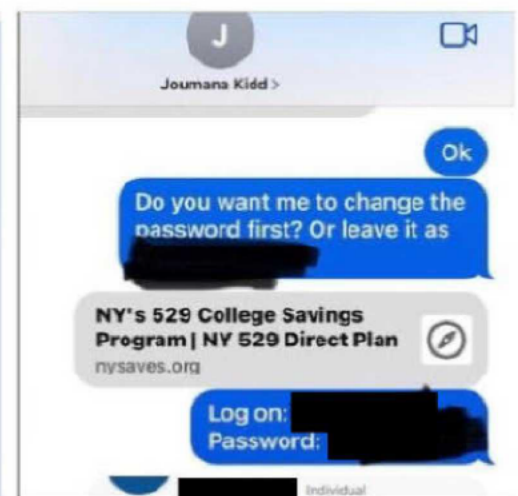
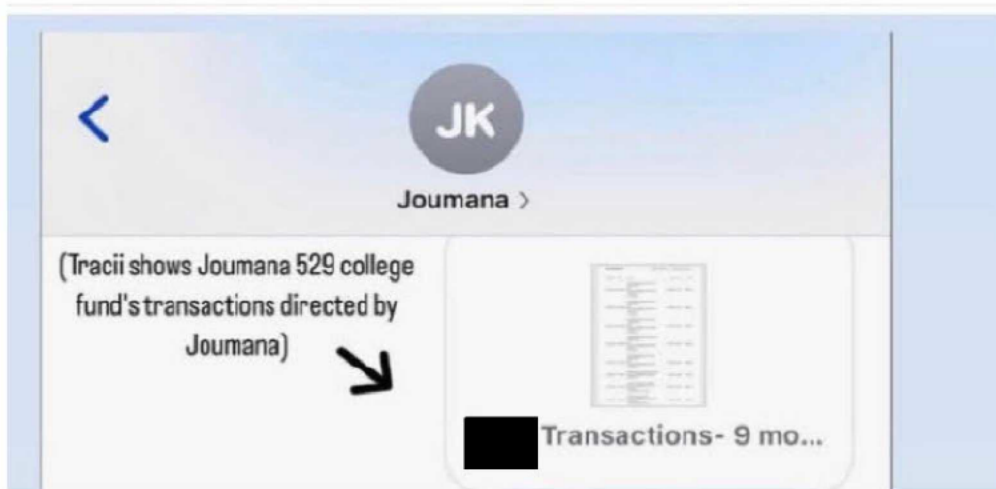
**Derrell Hutsona**

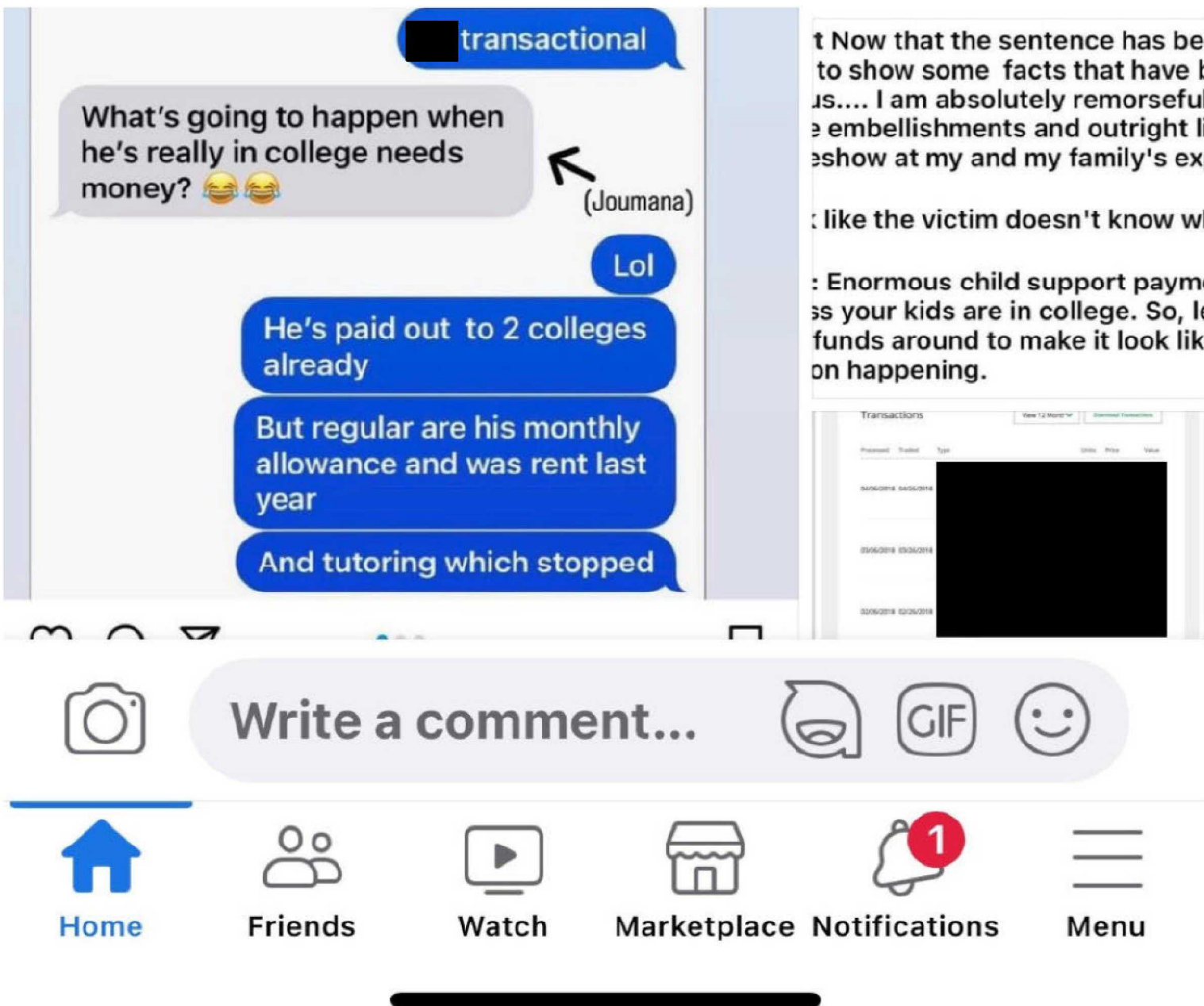
25m ·



Does it look like the "VICTIM" is pure as snow? Were TIRED of all the LIES!!!! my wife took a plea for what she was sorry to be a part of! Nothing to do with our restaurants!! She has a past and so she is perfect to continue LYING about. She took a plea for far less than the story that's painted & now its on record that we've proven our restaurants werent started with anything to do with this. Why all the EXXXTRA THO?? 🙄

Now we can release these TEXT.....





Joumana Kidd

Jun 2, 2019 at 10:41 PM

What's going on?

She never responded so I'm assuming the girls still coming over

officialythutt · Follow

Ex. 3 to Ex. B

officialythutt Some people want to heard and seen so badly they'll over explain with lies. Big time scammer? Drug Dealer? Big words. Heavy accusations.

#noexplanationnecessary #chldsupportfraud

Ediled · 2d

gbank_samuel Praying for you and this situation Tracy! 🙏

2d · 2 likes · Reply

uhtasha yesss tracii show the facts !!! some people will say just about anything to clear their picture, it's childish and outright disgusting. im so insanely proud of you for rising above, always so strong and always been someone i've looked up to. love you dearly mama, keep that pretty head up 💖

2d · 2 likes · Reply

View replies (1)

75hellcat Your tribe has your back dollface

2d · 1 like · Reply

275 likes

2 DAYS AGO

Add a comment...

Post

TRENTON, N.J. -- New Jersey Nets star Jason Kidd filed for divorce from his wife of 10 years Tuesday, accusing her of "extreme cruelty" throughout their marriage.



Kidd

In the dissolution papers, filed in state Superior Court in Bergen County, Kidd accuses Joumana Kidd of physically and mentally abusing him, threatening to make false domestic violence complaints against him to police and of interfering with his relationship with his children.

Ex. 4 to Ex. B



officiallythutt · Follow



officiallythutt SERIAL.....

#attentionwhore #victim #accuser #hurricanejoumana #dontgottalietokickit

BANNED from the Continental Arena for trying to take down her ex-husband AND team, watch out if you do her wrong! False allegations against Jason got her a restraining order. The stalking never stops.

1d



mom_gma_boss_selfmade She's a fame seeker!!!! Hope she's prepared for what's coming!

1d 1 like Reply



266 likes

1 DAY AGO



Add a comment...

Post

Ex. 5 to Ex. B

Joumana Kidd

HOME ADDRESS
(HIDDEN)College Bound 519
PO Box 55907
Boston, MA 02205-9712

Cc: Ron Vinder, Private Wealth Manager

February 13, 2017

To Whom It may Concern:

Please enable web access for account number [REDACTED]. Please also allow access to Traci Show, my assistant and lifestyle manager at Elite Lux Life, LLC. to continue to disburse payments on my behalf for tuition, housing, transportation and education related expenses for this account. Contact information is as follows:

(424) 288-0408
Traci.joumanakidd@eliteluxlife.com

Sincerely,



Joumana M. Kidd

ACKNOWLEDGMENT

State of California
County of Los Angeles

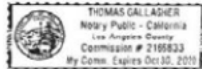
On 2-15-17 before me, Thomas Gallagher, Notary Public
(insert name and title of the officer)

personally appeared Joumana M. Kidd
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)



officiallythutt • Follow



officiallythutt The supposedly forged power of attorney - later changed stories to say she was "tricked" by throwing it in....

PAY ATTENTION to the date of text and POA.

Who signs a single letter with a notary and gets tricked? You can see by the text message, I WASN'T even there!

4h



520 likes

4 HOURS AGO



Add a comment...

Post